

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA
Minute Entry

Hearing Information:

Debtor: POTENTIAL DYNAMIX, LLC
Case Number: 2:11-BK-28944-DPC **Chapter:** 11
Date / Time / Room: THURSDAY, FEBRUARY 18, 2021 09:00 AM 6TH FLOOR #603
Bankruptcy Judge: DANIEL P. COLLINS
Courtroom Clerk: RENEE BRYANT
Reporter / ECR: N/A

Matter:

ADV: 2-13-00799

TIMOTHY SHAFFER & Amazon Services LLC vs Amazon Services LLC & TIMOTHY SHAFFER
CONTINUED TRIAL

R / M #: 0 / 0

Appearances:

DALE C. SCHIAN, ATTORNEY FOR TIMOTHY SHAFFER
MARK C. DANGERFIELD, ATTORNEY FOR TIMOTHY SHAFFER
KEN RALSTON, ATTORNEY FOR TIMOTHY SHAFFER
ERIC J. WEISS, ATTORNEY FOR AMAZON SERVICES LLC
MALLORY GITT WEBSTER, ATTORNEY FOR AMAZON SERVICES, LLC
TASHA BACHAND, AMAZON CORPORATE REPRESENTATIVE, WITNESS

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(continue)... 2:11-BK-28944-DPC

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Proceedings:

The parties discuss some preliminary matters.

TRUSTEE'S EXHIBITS 131 and 161 were admitted into evidence.

AMAZON'S EXHIBITS 263 and 245 were admitted into evidence.

Mr. Schian resumes with the video deposition of Justin Ice.

Mr. Schian plays the video deposition of Jeff Moore.

Mr. Schian presents the video deposition testimony of Tasha Bachand.

Mr. Weiss moves for a direct verdict. He argues his position, noting there is no admitted evidence for the Court to make a decision. He refers to case law in support of his argument.

Mr. Schian responds with his position; he argues that the M15 is not admissible.

Mr. Weiss Responds.

Mr. Schian responds he argues it is Amazon's burden to account for what it did with the Debtor's data.

Mr. Weiss refers to case law. He moves for the immediate admission of the M15 data.

Court: IT IS ORDERED DENYING THE MOTION. THE COURT WILL NOT RESOLVE THE BURDEN OF PROOF ISSUE AT THIS TIME. THE COURT ADVISES THE PARTIES IT WOULD BE HELPFUL TO BRIEF THIS ISSUE AFTER THE TRIAL.

The Court is afforded a recess.

Ms. Weiss called Tasha Bachand to the stand.

The witness Tasha Bachand was sworn in. Mr. Weiss questioned the witness. Mr. Schian objected to questions, and the Court ruled on the objections. Mr. Schian cross-examined the witness.

Mr. Schian notes Ms. Bachand was not identified as a fact witness. Mr. Weiss responds noting, Ms. Bachand was disclosed.

Mr. Weiss continues to question the witness. Mr. Schian cross -examines the witness.

The Court questioned the witness.

The parties were excused. The Trial will resume at 9:00 a.m. on February 19, 2021.